WINSTON & STRAWN LLP

NEWS

Winston Defeats OxyContin Patents

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Winston & Strawn beat several patents covering the blockbuster drug OxyContin®, a pain drug with over $2 billion in sales per year. The patents were asserted to block generic entry into the market.

On behalf of our client Impax, Winston led the defense efforts during a two-and-a-half week trial in the Southern District of New York. In finding non-infringement of an anti-abuse formulation patent, the Court credited Winston's cross-examination of Purdue's testing expert, establishing that the tests were biased and unreliable, which led the Court to assign "no weight to the testing." The Court also found that key patent invalid for indefiniteness, relying on George Lombardi's cross-examination of another Purdue expert. The Court found yet another patent invalid based upon admissions extracted by Maureen Rurka from one of the named inventors in the case.

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